

MAR 02 2006

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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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March 2, 2006

FACSIMILE COVER SHEET

To: Examiner Thuong Nguyen
Art Unit 2155
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of Facsimile
Transmission (2 pages)
Amendment and Response (14 pages)

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 10/626,086
Filed: July 24, 2003
Applicant: Timothy Roy Block et al.
Art Unit: 2155
Confirmation No.: 9970
Our Ref: IBM/244

Pages: 17 (including cover sheet)

MESSAGE/COMMENTS
OFFICIALCERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (17 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Thuong Nguyen, Art Unit 2155, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 571-273-8300 on March 2, 2006.

Judith L. Volk
Judith L. Volk

March 2, 2006
Date

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PATENT

Att'y Docket No. IBM/244/124

Confirmation No. 9970**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk
Judith L. Volk

March 2, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Roy Block et al. Art Unit: 2155
 Serial No.: 10/626,086 Examiner: Thuong Nguyen
 Filed : July 24, 2003 Atty Docket: ROC920030026US1
 For : CLUSTER DATA PORT SERVICES FOR CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ **Transmitted herewith is an Amendment and Response.**
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ **Other than a Small Entity**
3. The fee has been calculated as shown below:

CALCULATION OF FEES

| Fee: | Number of Claims After Amendment: | | Previously Paid For: | No. Extra: | At Rate: | Amount: |
|------------------------------|-----------------------------------|-------|----------------------|------------|----------|---------------|
| Total Claims | 34 | minus | 36 | 0 | \$50 | \$0.00 |
| Independent Claims | 4 | minus | 4 | 0 | \$200 | \$0.00 |
| MULTIPLE DEPENDENT CLAIM FEE | | | | | \$360 | \$0.00 |
| TOTAL FEE FOR CLAIMS: | | | | | | \$0.00 |

- ☒ **No additional fee for claims is required.**

Page 1 of 2
 Serial No. 10/626,086
 Transmittal for Amendment of March 2, 2006
 IBM Docket: ROC920030026US1
 WH&E IBM/244

MAR 02 2006

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

| | <u>Ext. Mos.</u> | <u>Large entity</u> | <u>Small entity</u> |
|--------------------------|------------------|---------------------|---------------------|
| <input type="checkbox"/> | one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> | two months | \$ 450.00 | \$ 225.00 |
| <input type="checkbox"/> | three months | \$1,020.00 | \$ 510.00 |
| <input type="checkbox"/> | four months | \$1,590.00 | \$ 795.00 |
| <input type="checkbox"/> | five months | \$2,160.00 | \$1,080.00 |

Extension fee due with this request:

\$

Method of Payment:

Check enclosed in the amount of \$

If an additional extension of time is required, please consider this a petition therefor.

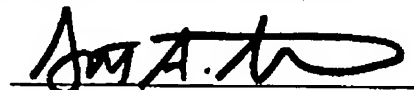
(Check and complete the next item, if applicable)

- ☐ An extension for ____ months has already been secured and the fee paid thereof of \$____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$____.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



Scott A. Stinebruner

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PATENT

IBM/244
Confirmation No. 9970

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Timothy Roy Block et al. Art Unit: 2155
Serial No.: 10/626,086 Examiner: Thuong Nguyen
Filed: July 24, 2003 Atty. Docket No.: IBM/244
For: CLUSTER DATA PORT SERVICES FOR CLUSTERED COMPUTER
SYSTEM

AMENDMENT AND RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated December 2, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

Page 1 of 14
Serial No. 10/626,086
Amendment and Response dated March 2, 2006
Reply to Office Action of December 2, 2005
IBM Docket ROC920030026US1
WH&E IBM/244
K:\bm\244\Amendment and Response re 12-2-05 OA.wpd